UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

KENNETH SCHIMWEG,)	
)	
Plaintiff,)	
)	
VS.)	Case No. 4:05CV416MLM
)	
ALAN TEITELBAUM,)	
)	
Defendant.)	

ORDER

Federal Rule of Civil Procedure 4(m) provides that:

[i]f service of the summons and complaint is not made upon a defendant within one hundred and twenty days after the filing of the complaint, the court, upon motion, or upon its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

Plaintiffs filed their Amended Complaint April 27, 2005. More than 120 days have now elapsed and the court filed does not reflect that plaintiff has obtained service or on defendant Greg Luber.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall show cause within fifteen (15) days of the date of this Order why plaintiff's cause of action should not be dismissed as to defendant Greg Luber for failure to comply with Federal Rule of Civil Procedure 4(m).

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 13th day of September, 2005.